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PATENT APPLICATION  
EXPRESS MAIL NO. EL897860996US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Tony N. Frudakis et al.

Application No. : 09/699,295

Filed : October 26, 2000

For : COMPOSITIONS AND METHODS FOR THE THERAPY AND  
DIAGNOSIS OF BREAST CANCER

Examiner : Mary K. Zeman

Art Unit : 1631

RECD

Docket No. : 210121.419C10

ED

Date : February 25, 2002

MAR 05 2002

Commissioner for Patents  
Washington, DC 20231

TECH CENTER 1300 2900

RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT

Sir:

In response to the Restriction Requirement dated January 25, 2002, applicants hereby elect Group I, claims 1, 3, 4, 8, 11-in-part(b), and 15, drawn to isolated polynucleotides, kits, compositions, vectors, and transformed host cells, and SEQ ID NO:301 (B305D C-15), encoding the polypeptide of SEQ ID NO:304, for examination at this time.

Prior to examination on the merits, kindly enter the following amendment:

Please cancel claims 1, 8, 11, and 15.

Please amend claim 3 as follows:

3.2 (Amended) An expression vector comprising a polynucleotide of claim 18 operably linked to an expression control sequence.

Please add the following new claims to read as follows:

18. (New) An isolated polynucleotide selected from the group consisting of:  
a) a polynucleotide encoding a polypeptide having at least 90% identity to the amino acid sequence of SEQ ID NO:304;  
b) a polynucleotide having at least 95% identity to the polynucleotide sequence of SEQ ID NO:301;  
c) a polynucleotide comprising SEQ ID NO: 301; and

Approved for use through 10/31/2002 OMB 0651-0031

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FEB 25 2002

**TRANSMITTAL  
FORM**

(To be used for all correspondence  
after initial filing)

Application Number	09/699.295
Filing Date	October 26, 2000
First Named Inventor	Tony N. Frudakis
Group Art Unit	1631
Examiner Name	M. Zeman
Attorney Docket No.	210121.419C10

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement; Form PTO-1449 <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> CD(s). Number of CD(s) <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Additional Enclosure(s) (please identify below):
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Remarks

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Individual Name	Jeffrey Hundley	 00500 <small>PATENT TRADEMARK OFFICE</small>
Signature		
Date	2/25/02	

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date specified below.

Typed or printed name	Sharon Sheridan
Signature	Date